

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Kristian Jesse CULVER
4114 Medical Drive Apt# 15106
San Antonio, Texas 78229

CRIMINAL COMPLAINT

Case Number:

A-06-182M

FILED

MAY 17 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY CLERK

I, Kristi R. McPartlin, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 28, 2006 and May 5, 2006, in the Western District of Texas, defendant did, (Track Statutory Language of Offense)

Being a person in connection with the acquisition of any firearm or ammunition from a licensed dealer knowingly to make any false or fictitious oral or written statements or to furnish or exhibit any false, fictitious or misrepresented identification, intended or likely to deceive the dealer with respect to any fact material to the lawfulness of the sale or other disposition of the firearm or ammunition.

in violation of Title 18 United States Code, Section 922(a) (6)

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that this complaint is based on the following facts:

See Attachment.

Continued on the attached sheet and made a part hereof: ☒ YES ☐ NO



Signature of Complainant

Sworn to before me and subscribed in my presence,

May 17, 2006

Date

Austin, Texas

AT

City and State

Andrew W. Austin, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

Attachment

I, Kristi R. McPartlin, being duly sworn, depose and state that I am a Special Agent for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been so employed since August 2002. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy; as a result of my training and experience as an ATF Special Agent, I am familiar with the Federal criminal laws and know that it is a violation of Title 18 U.S.C., Section 922 (n), for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to receive any firearm or ammunition which has been shipped in interstate or foreign commerce. I know it is a violation of Title 18 U.S.C., Section 922 (a) (6), for any person in connection with the acquisition of any firearm or ammunition from a licensed dealer knowingly to make any false or fictitious oral or written statements or to furnish or exhibit any false, fictitious or misrepresented identification, intended or likely to deceive the dealer with respect to any fact material to the lawfulness of the sale or other disposition of the firearm or ammunition.

On April 27, 2006, ATF received information from a Federal Firearms Licensee, (FFL# 5-74-453-01-8F-28666) who currently holds a valid license to deal firearms doing business as The Cost Plus 10% Gun Shop located at 6706 Burnet Lane, Austin, TX 78757. The owner of Cost Plus 10 % Gun Shop reported to ATF that Kristian J. CULVER had purchased a firearm with a check that came back from the bank listed "account closed".

On April 28, 2006, your affiant learned that Kristian J. CULVER was also known as Jesse James BARRERA.

On April 27, 2006, your affiant received two copies of certified Texas Department of Public Safety documents regarding Texas ID Card# 19804083 and Texas Driver's License # 21328798. Both copies had fingerprints for BARRERA/CULVER. Texas ID Card # 19084083 was issued under the name Jesse James BARRERA, DOB- 03/01/1984. On the certified application Jesse James BARRERA is listed as the "true full name". Texas Driver's License #21328798 was originally issued under the name Jesse James BARRERA, DOB- 03/01/1984. On the certified application, Jesse James BARRERA is listed as the "true full name". Question #1 on the certified application asks: Have you ever had a Texas ID Card? The box with the answer "YES" is marked and ID #19804083 is listed.

Texas Driver's License # 21328798 has several photos associated with it. Listed are:

- 10/22/2003 under the name BARRERA and listed an address of 8802 Cinnamon Creek #304, San Antonio, Texas 78240.
- 10/22/2003 under the name BARRERA and listed an address of 4400 Bluemel Road #103, San Antonio, Texas 78240.
- 05/24/2005 under the name BARRERA and listed an address of 11139 Icicle Bench, San Antonio, Texas 78254.
- 08/05/2005 under the name Kristian J. CULVER and listed an address of 11139 Icicle Bench, San Antonio, Texas 78254.
- 09/14/2005 under the name Kristian J. CULVER and listed an address of 11139 Icicle Bench, San Antonio, Texas 78254.

On April 28, 2006, your affiant received the documents relating to the firearms transaction from The Cost Plus 10% Gun Shop. Upon reviewing the information on the ATF Form 4473, your affiant found the following information:

- On the ATF Form 4473 question #11 (b) Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? CULVER answered "NO".

Under federal law, when a person is sentenced to deferred adjudication, they are still considered to be under indictment for the entire duration of the term in which they were sentenced to.

CULVER affected the lawfulness of the sale because in answering "NO" he provided a false statement to a federally licensed gun dealer. If the gun dealer would have had the correct information, the dealer would not have released or sold the firearm to CULVER.

On May 11, 2006, your affiant received a certified copy of Decree Granting Change of Name of Adult, Cause # 2005C112551 from Bexar County District Clerk's Office. This document shows that on August 4, 2005 Jesse James BARRERA legally changed his name to Kristian Jesse CULVER. The document lists personal identifiers such as DOB- 03/01/1984, Social Security# 463-67-0718, and Texas Driver's License #21328798.

On May 11, 2006 your affiant found another firearm that CULVER acquired. This firearm was acquired from Hill Country Jewelry and Pawn (FFL# 5-74-029-02-3H-00120) located at 9730 Datapoint, San Antonio, Texas. CULVER filled out ATF Form 4473 on May 5, 2006 and received a SigArms Inc., Model P229, .40 caliber pistol bearing serial # AM36484.

In reference to the acquisition of this second firearm, CULVER provided another false statement to Hill Country Jewelry and Pawn by answering "NO" to question 11 (b).

It is the belief of you affiant that CULVER knowingly falsified the ATF Form 4473 in order to acquire both firearms. Your affiant believes CULVER knew of his prohibition because he acknowledged the explanation of Gun Control Act by signing his Terms and Conditions of Community Supervision (Cause # 2004-CR-5879).

CULVER failed to disclose his social security number on both of the above listed transactions, even though it is optional. Had CULVER provided his social security number, NICS would have been able to determine CULVER and BARRERA being the same individual. NICS would have come back with a denial based on BARRERA being currently under indictment for felony criminal mischief.

. A criminal history check on CULVER revealed that CULVER is a currently on deferred adjudication for a felony criminal mischief charge out of Bexar County. CULVER's criminal history shows the following arrests:

- 2003 arrest for fraud use/possession of identifying info
- 2004 arrest for burglary of a habitation with intent to commit assault
- 2004 arrest and conviction for criminal mischief \$1500-\$20,000, 290th Judicial District Court, Cause# 2004-CR-5879. CULVER was sentenced on January 11, 2005 to 5 years deferred adjudication.

Based on the above information, I believe probable cause exists to believe that Kristian Jesse CULVER has violated Title 18 U.S.C., Section 922(a) (6) in Austin, Travis County, and San Antonio, Bexar County, both within the Western Judicial District of Texas.